

REMARKS / ARGUMENTS

Claims 31-38 remain pending in this application. Claim 38 has been canceled without prejudice or disclaimer. New claims 44-54 have been added.

35 U.S.C. §112

Claim 31 has been amended to overcome the rejection under this section.

35 U.S.C. §102

Claims 31-33 and 35-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Crawford (U.S. Patent No. 6,411,943). These rejections are traversed as follows.

The pending claims have been clarified to more clearly define the present invention. As such, the presently claimed is directed to a method in which an owner of a storage system rent the same to a user. The storage system is held at the user's site as opposed to the owner's site. The storage system has a management table which stores information regarding a state of use of disk drives. The owner obtains information of the management table from the user's site.

According to independent claims 31 and 44, the use of an initial volume is charged at a predetermined rate and an additional volume is provided to the user as needed. A portion of the additional volume that is actually used by the user is charged at a first rate and the remainder of the additional volume that is not actually used is charged at a second rate that is different from the first rate. According to

dependent claims 32 and 45, for example, the charging for the additional volume occurs after a sixth period of time determined by a contract. Independent claim 50 doesn't recite an initial volume and an additional volume, but does recite charging differently depending upon a portion of the volume is actually used.

It is submitted that the above-mentioned features of the present invention are neither disclosed nor suggested by Crawford. In Fig. 1, Crawford discloses a customer computer 50 which connects to an on-line service system 100 which provides data storage for the customer computer 50. Therefore, Crawford does not disclose the renting of a storage system to a user such that the storage system is held at the user's site. Instead, Crawford discloses a system in which additional storage is held at the on-line service system (see column 14, lines 34-44). A data link 150 is provided so that the customer computer 50 can perform data I/O with the on-line service system 100.

On the other hand, in the present invention, no such data link is necessary. Since the storage system is held at the user's site, the user can directly access this storage without having to connect to the owner's site. Therefore, the providing of the storage system to the user to be held at the user's site and then charging for renting of such storage is clearly distinguishable from the disclosure of Crawford. Furthermore, Crawford actually teaches away from the present invention by stating that a user could upgrade the customer computer by adding additional internal or external storages, but that this would be expensive and might not be cost effective (see column 13, lines 51-54). Therefore, not only does Crawford fail to disclose the

renting of a storage system that is held at a user's site, Crawford teaches away from adding storage to a user's site and renting such storage as presently claimed.

Furthermore, in the presently claimed invention, the management table is stored at the user's site. On the other hand, in Crawford, the management table is held in a host computer and is exemplified in Fig. 22G (see column 12, lines 25-27). This is yet another distinction between the present invention and Crawford.

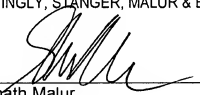
In summary, it is submitted that Crawford clearly does not anticipate the presently claimed invention. Furthermore, it is submitted that one of ordinary skill in the art would not find the presently claimed invention to be an obvious variation of that disclosed in Crawford in light of the substantial differences between the presently claimed invention and the disclosure of Crawford. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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